

Appl. No. 10/806,596
Amdt. dated June 16, 2006
Reply to Office action of March 23, 2006

REMARKS/ARGUMENTS

The Examiner required restriction of the claims under 35 U.S.C. 121. The Examiner has grouped Invention I as claims 1-9 and claims 18-20. Invention II is grouped as claims 10-17. Consequently, an affirmation of the provisional election is discussed in addition to traverse of the restriction requirement.

Claims 1, 2, 4 to 9 and 19 to 21 are in the application. Claims 10 to 17 are cancelled and have been filed as a divisional application. Furthermore, Claim 18 stands rejected under 35 U.S.C. 102(b) as being anticipated by United States 5,090,815 to Bohle (hereafter Bohle). Claims 1, 2, 4 to 9 and 19 to 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as his invention. There are no other rejections applied to the claims. Appropriate amendments have been to over the rejection under 35 U.S.C. 112. The rejection under 35 U.S.C. 102 is respectfully traversed.

RESPONSE TO 35 U.S.C 102 REJECTIONS

Claim 18 stands rejected under 35 U.S.C. 102(b) as anticipated by Bohle. Claim 19 has been combined with Claim 18. So this rejection has been overcome. Accordingly, withdrawal thereof is respectfully requested.

RESPONSE TO 35 U.S.C 112 REJECTIONS

Claims 1, 2, 4 to 9 and 19 to 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as his invention. Pivotaly removable top has been inserted as suggested by the Examiner.

The original specification describes a sealable cover which is "removable or openable" on Page 6 at Line 22 of the specification. Furthermore, Figure 4 depicts an arrow which shows the pivotaly removable sealable cover. Pivotaly removable is a subclass of removable or openable cover because pivotaly describes in what fashion the cover is removed or opened. Therefore, pivotaly provides a narrower

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claim.

In an attempt to clarify the situation and reach agreement, when the main rejection is based 35 U.S.C. 112, applicant offers a claim referring to pivotally openable as supported in the specification, in view of this rejection.

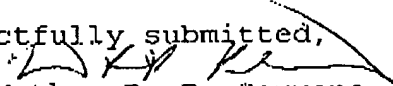
Accordingly, withdrawal thereof is respectfully requested.

CONCLUSION

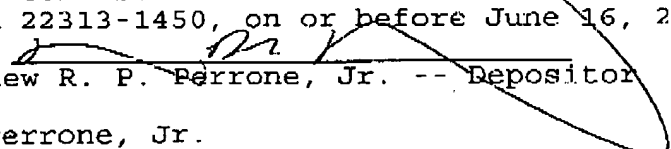
Accordingly, all rejections having been overcome by amendment or traversed by remarks, reconsideration and allowance of the instant application is respectfully requested. Applicant's attorney remains amenable to assisting the Examiner in the allowance of this application.

Applicant respectfully requests that a timely notice of allowance be issued in this case.

Alternatively, in the unlikely event that amendment does not make this application allowable, entry thereof is requested, because it greatly simplifies the issues on appeal.

Respectfully submitted,
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I hereby certify that this correspondence is being deposited via fax to (571)273-8300 and addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on or before June 16, 2006.


Mathew R. P. Perrone, Jr. -- Depositor

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